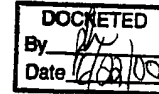




UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	09/273,407	FILING DATE	03/22/99	FIRST NAMED APPLICANT	OPARA	ATTY. DOCKET NO.	5405, 493
						EXAMINER	223
020792 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH NC 27627						ART UNIT	PAPER NUMBER
						1111, 1	7



DATE MAILED:

06/20/00

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 3/22/99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-6 are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

REC  
SEP 22  
TECH CE

Claims in the application are 1-61.

Restriction to one of the following inventions is required under  
35 U.S.C. 121:

- I. Claims 1-13 and 30-61 drawn to methods of culturing cells and  
microencapsulating cells and/or culturing encapsulated cells,  
classified in class 435, subclass 382.
- II. Claims 14-29, drawn to a method of treating cells by  
cryopreserving the cells, thawing the cells and encapsulating  
the cells, classified in class 435, subclass 182.

The inventions are distinct, each from the other because:

The invention of Group II requires cryopreserving that is not  
required in Group I, and Group I requires a step or combination of steps  
not required in Group II. The invention of each group can be carried out  
separate from and without carrying out the invention of the other group.

Because these inventions are distinct for the reasons given above  
and have acquired a separate status in the art as shown by their  
different classification, restriction for examination purposes as  
indicated is proper.

Applicant is advised that the reply to this requirement to be  
complete must include an election of the invention to be examined even  
though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications  
from the examiner should be directed to David M. Naff whose telephone  
number is (703) 308-0520. The examiner can normally be reached on  
Monday-Thursday and every other Friday from about 8:30 AM to about 6:00  
PM.